

1 Robert W. Unikel (IL Bar #6216974)  
(*pro hac vice*)  
2 robertunikel@paulhastings.com  
PAUL HASTINGS LLP  
3 71 South Wacker Dr., 45th Floor  
Chicago, IL 60606  
4 Telephone: (312) 499-6000  
Facsimile: (312) 499-6100  
5

6 Elizabeth L. Brann (CA Bar #222873)  
elizabethbrann@paulhastings.com  
PAUL HASTINGS LLP  
7 4747 Executive Drive, 12th Floor  
San Diego, California 92121  
8 Telephone: (858) 458-3000  
Facsimile: (858) 458-3005  
9

10 [ADDITIONAL COUNSEL LISTED ON  
SIGNATURE PAGE]

11 Attorneys for Defendant Google LLC

12 UNITED STATES DISTRICT COURT  
13 SOUTHERN DISTRICT OF CALIFORNIA  
14 SAN DIEGO DIVISION  
15

16 VEDANTI LICENSING LIMITED,  
17 LLC,

18 Plaintiff,

19 vs.

20 GOOGLE LLC,

21 Defendant.  
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CASE NO. 3:20-CV-01344-BEN-WVG

**REQUEST FOR JUDICIAL  
NOTICE IN SUPPORT OF  
DEFENDANT'S MOTION TO  
DISMISS PURSUANT TO FED. R.  
CIV. P. 12(B)(6) AND MOTION TO  
STRIKE PURSUANT TO FED. R.  
CIV. P. 12(F)**

Date: October 13, 2020

Time: 10:30 a.m.

Judge: Hon. Roger T. Benitez

Courtroom 5A

Defendant Google LLC (“Google”) respectfully requests that the Court consider certain documents identified below in connection with Google’s Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) and Motion to Strike Pursuant to Fed. R. Civ. P. 12(f) (“Motion”) because: (1) the Court may take judicial notice of the following documents and certain terms contained therein pursuant to Federal Rule of Evidence 201 and related authority; and (2) certain documents were referenced or relied upon in the Complaint (Dkt. 1) as identified below. These documents are attached as Exhibits to the Declaration of Robert W. Unikel in Support of Defendant’s Motion (“Unikel Declaration”).

Exhibit	Description	Basis
Ex. A	Search results for any copyrights held by Vedanti in the Online Copyright Public Records Catalog maintained by the U.S. Copyright Office	FRE 201 and because referenced or relied upon in Complaint
Ex. B	U.S. Patent Office’s record of assignment history for U.S. Patent No. 7,974,339 (“339 Patent”)	FRE 201 and because referenced or relied upon in Complaint
Ex. C	LLC Registration for Vedanti Licensing Limited LLC from the California Secretary of State	FRE 201
Ex. D	IPR2016-00212, Final Written Decision (May 17, 2017)	FRE 201 and because referenced or relied upon in Complaint
Ex. G	IPR2016-00212, Patent Owner Vedanti Systems Limited’s Mandatory Notices (Dec. 9, 2015)	FRE 201
Ex. H	IPR2016-00212, Patent Owner’s Updated Mandatory Notice (Aug. 11, 2016)	FRE 201
Ex. I	IPR2016-00212, Patent Owner’s Third Updated Mandatory Notice (Jan. 12, 2017)	FRE 201

1 Federal Rule of Evidence 201 authorizes this Court to take judicial notice of  
2 facts “not subject to reasonable dispute” that “can be accurately and readily  
3 determined from sources whose accuracy cannot reasonably be questioned.” Fed. R.  
4 Evid. 201(b). The Rule mandates that judicial notice be taken “if a party requests it  
5 and the court is supplied with the necessary information,” *id.* at 201(c), and  
6 authorizes judicial notice “at any stage of the proceeding,” *id.* at 201(d). *See Mir v.*  
7 *Little Co. of Mary Hosp.*, 844 F.2d 646, 649 (9th Cir. 1988) (“In addition to the  
8 complaint, it is proper for the district court to ‘take judicial notice of matters of  
9 public record outside the pleadings’ and consider them for purposes of the motion  
10 to dismiss.”) (citation omitted).

11 It is well settled that records and reports from government agencies are the  
12 proper subject of judicial notice. *See, e.g., Barron v. Reich*, 13 F.3d 1370, 1377 (9th  
13 Cir. 1994) (judicial notice may be taken of “[r]ecords and reports of administrative  
14 bodies”); *Cota v. Maxwell-Jolly*, 688 F. Supp. 2d 980, 998 (N.D. Cal. 2010) (“The  
15 Court may properly take judicial notice of the documents appearing on a  
16 governmental website.”).

17 Specifically, it is appropriate to take judicial notice of the PTAB’s Final  
18 Written Decision (Ex. D) and other PTAB filings (Exs. G–I). *See Papai v. Harbor*  
19 *Tug & Barge Co.*, 67 F.3d 203, 207 n.5 (9th Cir. 1995), *rev’d on other grounds*,  
20 520 U.S. 548 (1997) (“Judicial notice is properly taken of orders and decisions  
21 made by other courts or administrative agencies.”); *PersonalWeb Techs. LLC v.*  
22 *Google LLC*, No. 5:13-cv-01317-EJD, 2020 WL 520618, at \*6 n.4 (N.D. Cal. Jan.  
23 31, 2020) (“The IPR materials cited by Defendants and Plaintiff are subject to  
24 judicial notice.”) (*appeal filed*).

25 The ’339 Patent’s assignment history (Ex. B), as reflected by the PTO  
26 records, is also eligible for judicial notice. “Because the USPTO documents are  
27 public records ‘capable of accurate and ready determination by resort to sources  
28 whose accuracy cannot be questioned,’ judicial notice is proper.” *Seoul Laser*

1 *Dieboard Sys. Co. v. Serviform, S.r.l.*, 957 F. Supp. 2d 1189, 1194 n. 2 (S.D. Cal.  
 2 2013); *Certified Nutraceuticals, Inc. v. Avicenna Nutraceutical, LLC*, No. 3:16-cv-  
 3 02810, 2018 WL 4385368, at \*1 (S.D. Cal. Sept. 14, 2018) (“The Court takes  
 4 judicial notice of the ’319 Patent’s assignment history, which is publicly available  
 5 on the United States Patent and Trademarks Office’s (‘USPTO’s’) website”).

6 Further, the Court may properly take judicial notice of the LLC Registration  
 7 for Vedanti Licensing Limited LLC from the California Secretary of State. Courts  
 8 in this district routinely do so. *See, e.g., Kearny Mesa Real Estate Holdings, LLC v.*  
 9 *KTA Constr., Inc.*, No. 17-cv-207, 2017 WL 3537753, at \*3 (S.D. Cal. Aug. 16,  
 10 2017) (taking judicial notice of a Certificate of Registration issued by the California  
 11 Secretary of State); *Phillips v. Wells Fargo Bank, N.A.*, No. 09-cv-1486, 2009 WL  
 12 3756698, at \*3 (S.D. Cal. Nov. 6, 2009) (taking judicial notice of a copy of the  
 13 California Secretary of State’s office records regarding the status of a foreign  
 14 limited liability company as an active and registered foreign entity).

15 Google respectfully requests that the Court also take judicial notice of the  
 16 online records of the Copyright Office (Ex. A). “[U]nder Fed. R. Evid. 201, a court  
 17 may take judicial notice of ‘matters of public record’,” including copyright  
 18 registrations. *LePatner C3, LLC v. Thomas Jefferson Sch. of Law*, No. 14-cv-758,  
 19 2014 WL 2436295, at \*3 (S.D. Cal. May 30, 2014) (citation omitted); *ATPAC, Inc.*  
 20 *v. Aptitude Sols., Inc.*, No. CIV. 2:10294 WBS KJM, 2010 WL 1779901, at \*3  
 21 (E.D. Cal. Apr. 29, 2010) (taking judicial notice of a copy of the Copyright Office’s  
 22 webpage “because the record is generated by an official government website such  
 23 that its accuracy is not reasonably in dispute”).

24 The Court may also take judicial notice of the USPTO assignment records,  
 25 the Copyright Office records, and the Final Written Decision of the PTAB because  
 26 “they are integral to the plaintiff’s claims and their authenticity is not disputed.”  
 27 *simplehuman, LLC v. iTouchless Housewares & Prods., Inc.*, No. 19-cv-02701,  
 28 2019 WL 5963245, at \*2 (N.D. Cal. Nov. 13, 2019) (*citing Parrino v. FHP, Inc.*,

1 146 F.3d 699, 705–06 (9th Cir. 1998), *superseded by statute on other grounds as*  
2 *stated in Abrego Abrego v. The Dow Chem. Co.*, 443 F.3d 676, 681 (9th Cir.  
3 2006)). The USPTO assignment records (Ex. B) and Copyright Office records (Ex.  
4 A) are not attached to Plaintiff’s Complaint, but the Complaint bases its alleged  
5 standing to bring this action on Plaintiff’s claim that it “is the owner by assignment  
6 of all rights, title, and interests in the ‘339 Patent and the Vedanti Source Code and  
7 is entitled to sue for past and future infringement thereof.” Dkt. 1, ¶ 23. Thus, the  
8 assignment records and copyright registration records are an integral part of  
9 Plaintiff’s claims. The Final Written Decision (Ex. D) is referenced in the  
10 Complaint and is integral to Vedanti’s claims (*i.e.*, which patent claims Vedanti is  
11 eligible to assert). In its Complaint, Vedanti states “the PTAB determined on May  
12 17, 2017 that claims 1, 6, 7, 9, 10, 12, and 13 of the ’339 Patent were unpatentable  
13 under 35 U.S.C. 103 over the combination of the Spriggs and Golin references . . .  
14 the remaining claims of the ‘339 Patent—claims 2, 3, 4, 5, 8, and 11—are still valid  
15 and enforceable today.” Dkt. 1, ¶¶ 35–36. The Court may properly take judicial  
16 notice of these records because they are officially published on and publicly  
17 accessible on the USPTO and Copyright Office websites. Thus, they are  
18 ascertainable, verifiable, and their accuracy cannot be reasonably questioned. Fed.  
19 R. Evid. 201(b)(2).

20 Therefore, Google requests that the Court take judicial notice of Exhibits A–  
21 D and G–I of the Unikel Declaration.

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1 DATED: September 8, 2020

Respectfully submitted,

2 By: /s/ Robert W. Unikel

3 Robert W. Unikel (IL Bar #6216974)  
4 (*pro hac vice*)  
5 robertunikel@paulhastings.com  
6 **PAUL HASTINGS LLP**  
7 71 South Wacker Dr., 45th Floor  
8 Chicago, IL 60606  
9 Telephone: (312) 499-6000  
10 Facsimile: (312) 499-6100

11 Elizabeth L. Brann (CA Bar #222873)  
12 elizabethbrann@paulhastings.com  
13 Ariell Nicole Bratton (CA Bar #317587)  
14 ariellbratton@paulhastings.com  
15 **PAUL HASTINGS LLP**  
16 4747 Executive Drive, 12th Floor  
17 San Diego, CA 92121  
18 Telephone: (858) 458-3000  
19 Facsimile: (858) 458-3005

20 Robert Laurenzi (NY Bar #3024676)  
21 (*pro hac vice*)  
22 robertlaurenzi@paulhastings.com  
23 **PAUL HASTINGS LLP**  
24 200 Park Avenue, 26th Floor  
25 New York, NY 10166  
26 Telephone: (212) 318-6000  
27 Facsimile: (212) 318-6100

28 Tad Richman (CA Bar #268091)  
tadrichman@paulhastings.com  
**PAUL HASTINGS LLP**  
2050 M Street NW,  
Washington, D.C. 20036  
Telephone: (202) 551-1700  
Facsimile: (202) 551-1705

*Attorneys for Defendant Google LLC*